

Frankfort Architectural Review Appeals Board

May 18, 2006

Members Present: Charles Booe
Sherron Jackson
David Garnett (3)

Member Absent: Patti Cross
Dwayne Cook (Exempt/ARB Member) (2)

Acting Chairman David Garnett stated this appeal had been filed at the request of Teresa Rollins, 205 West Todd Street, regarding the property at 526 Shelby Street. The property is owned by Tom Bean, Shaker Hill Properties, Inc. The appeal is filed against the construction of an off-street parking lot located at 526 Shelby Street.

Mr. Garnett stated they will take testimony and then can table the item for preparation of a summary to review or they can adopt the staff report as a summary and make a decision tonight. He stated they have sixty days from today to make a decision. Mr. Garnett stated the standard of review is one of clear error by the ARB. He stated they are looking at upholding the decision of the Board or reversing the ARB decision. He added no new evidence could be submitted at this meeting.

Mr. & Mrs. Ken Rollins were present to present their case. Ms. Rollins stated absentee property owners are responsible for the street being in disrepair. She stated there are no parking lots in the 400, 500, 600 or 700 blocks of Shelby Street and there are none on West Todd or West Campbell Streets. Ms. Rollins referred to a petition with seventeen names on it and are most affected visually by the parking lot. She stated they are long term and committed to living in the area. Ms. Rollins stated 526 Shelby was purchased by Mr. Bean in September of 2005 and he has been flagrant about upkeep of the property. She stated there are only two driveways on West Todd and they don't encompass the entire yard. Ms. Rollins stated page 6, item 13 of the staff report showed measurements that the driveway measured approximately 21 feet x 47 feet in size. She stated the site map does not show that. Ms. Rollins stated at the 2/21 ARB meeting there were no definite measurements of the rear yard and the staff report did not show the width and depth of the rear yard. Ms. Rollins stated if the measurements are accurate there is no way a 21 x 47 parking lot will fit with the additional required 5 foot landscape buffer. She added there would be no usable open space left. Ms. Rollins stated Mr. Bean's ultimate goal was to obtain a conditional use permit for professional office space and get a certificate of appropriateness for a parking lot in a yard at a private home. She stated she feels it can't be appropriate and the ARB should not have considered the request until the CUP was approved. She stated if the CUP was not granted they could be stuck with a parking lot at a private residence. She stated pavers were suggested to minimize impact at the ARB meeting. Ms. Rollins stated that was good in theory but only weeds survive. She stated 300 Washington was given as a great example of the pavers and she went there four days ago and the soil was compacted by

vehicles and the weeds were all that survived. She stated the healthy green grass was growing beside the lattice. She stated she also viewed 501 Capital Avenue that had pavers and only weeds were growing. Ms. Rollins stated Section 17.01 of the regulations stated that the intent of the ARB is to aid in the prevention of undesirable design characteristics, to protect desirable and unique physical features in older neighborhoods, in the protection and stabilization of property values and in the prevention of blighting caused by insensitive development. Ms. Rollins added that constructing the parking lot does not protect the desirable feature of the yard and a parking lot will cause blight. Ms. Rollins added she felt pavers would be out of character because the grass will not hold up.

Mr. Garnett stated that Ms. Rollins referred to incorrect measurements and the 5 foot buffer. Mr. Garnett added that Mr. Robert Hewitt, Planning Supervisor, corrected the figures at the February ARB meeting. Ms. Rollins stated that still did not add to the lot. Ms. Rollins stated that the parking lot addition would ensure that the 30% open space requirement would not be met.

Mr. Robert Hewitt was present and stated the open space requirement is part of the RL & RM districts and not applicable to the SC zone, which is what this property is zoned. Mr. Hewitt stated pavers is highly recommended in the code and the use of pavers was a condition of his February staff report. Mr. Hewitt stated the drawing submitted by the applicant was to scale and the property measurement was 27 x 47 and that was what was used for his staff report. Mr. Garnett asked what the difference was between a parking lot and a really big driveway. Mr. Hewitt stated a parking lot has clearly defined spaces.

A motion was made by Mr. Booe to table the item for a summary and it be heard within sixty days. The motion was seconded by Mr. Jackson and carried unanimously.

Acting Chairman